

STUART H. FINKELSTEIN, ESQ.

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May 4th, 2020

The Honorable Debra Freeman
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street – ct room 17A
New York, New York 10007

Antolini vs. 75 & 81 Orchard, et al
Case No.: 1:19-cv-05894 (LGS)

Dear Judge Freeman,

I represent Plaintiff Dino Antolini and true to form defendants have made this process as arduous as possible. I have done my best to get this joint letter done as best but the needless contentiousness by both attorneys at Rivkin Radler has made it all but impossible.

Plaintiff:

Pursuant to your order of April 22, 2020 Plaintiff seeks, in conformity with defendants' previous statements, a 60 day stay of all proceeding's Expert discovery. In defendants' letter of April 10, 2020, they wrote the Court "The Graz Restaurant Defendants, therefore, ask Your Honor for a 60-day stay of all proceedings until there can be more certainty in the businesses ability to continue operations and the scope of settlement negotiations are more apparent". More so, as a result of the complete and unabashed conduct of defendants to make impossible Plaintiff's Expert from inspecting the facility should not be rewarded.

We ask the Court to extend the Expert discovery schedule.

*As of 5:33 pm today's date, after a frenzy of emails from defense counsel, they are not available until Eight o'clock tonight to have me file this letter. And the beat goes on.

STUART H. FINKELSTEIN, ESQ.

Defendants:

Ken Novikoff

Attachments 2:20 PM (2 hours ago)

to me, Keegan

As this is a joint letter, please put a signature block for my signature - also, please include Mr. Sapp on all communications

You are responsible for filing, as previously communicated

We will not agree to the inclusion of the last paragraph

We will not agree to the inclusion of the phrase "in unison with Defendants"

You can provide any reason you want for the request but you misrepresent the context of my request in the April 10 letter and I will not sign it the way you have presented it.

Please include the following as for our clients' position:

"I have requested Defendants' consent to the requested extension of the expert discovery deadline. Defendants advise that they take no position on Plaintiff's request."

Respectfully yours,

Stuart H. Finkelstein